

**House File 2508 - Introduced**

HOUSE FILE 2508

BY JAMES

**A BILL FOR**

1 An Act relating to the refilling and dispensing of a  
2 prescription in emergency situations, including associated  
3 insurance coverage.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 155A.29, subsection 3, Code 2022, is  
2 amended to read as follows:

3 3. a. Prescriptions may be refilled once pursuant to  
4 subsection 2 for a period of time reasonably necessary for the  
5 pharmacist to secure prescriber authorization.

6 b. Notwithstanding paragraph "a", a prescription may be  
7 refilled pursuant to subsection 2 once in a twelve-month  
8 period, and the pharmacist may dispense an amount not to exceed  
9 a thirty-day supply, or if the standard unit of dispensing  
10 exceeds a thirty-day supply or is unit dosed, an amount not to  
11 exceed the standard supply or unit of dispensing.

12 Sec. 2. NEW SECTION. 514C.18A Prescription emergency  
13 **refills — coverage.**

14 1. As used in this section, unless the context otherwise  
15 requires:

16 a. "*Cost-sharing*" means any coverage limit, copayment,  
17 coinsurance, deductible, or other out-of-pocket expense  
18 obligation imposed on a covered person by a policy, contract,  
19 or plan providing for third-party payment or prepayment of  
20 health or medical expenses.

21 b. "*Covered person*" means a policyholder, subscriber, or  
22 other person participating in a policy, contract, or plan that  
23 provides for third-party payment or prepayment of health or  
24 medical expenses.

25 2. a. Notwithstanding the uniformity of treatment  
26 requirements of section 514C.6, a policy, contract, or plan  
27 providing for third-party payment or prepayment of health  
28 or medical expenses that provides coverage for prescription  
29 drugs shall provide coverage for a prescription refilled and  
30 dispensed pursuant to section 155A.29, subsection 3, paragraph  
31 "b".

32 b. Notwithstanding any cost-sharing obligation imposed under  
33 a policy, contract, or plan providing for third-party payment  
34 or prepayment of health or medical expenses to the contrary,  
35 any cost-sharing imposed on a covered person for a prescription

1 refilled and dispensed pursuant to section 155A.29, subsection  
2 3, paragraph "b", shall not exceed the cost-sharing imposed  
3 on the refilling and dispensing of the same prescription with  
4 prescriber authorization.

5 3. a. This section applies to the following classes of  
6 third-party payment provider contracts, policies, or plans  
7 delivered, issued for delivery, continued, or renewed in this  
8 state on or after January 1, 2023:

9 (1) Individual or group accident and sickness insurance  
10 providing coverage on an expense-incurred basis.

11 (2) An individual or group hospital or medical service  
12 contract issued pursuant to chapter 509, 514, or 514A.

13 (3) An individual or group health maintenance organization  
14 contract regulated under chapter 514B.

15 (4) Any other entity engaged in the business of insurance,  
16 risk transfer, or risk retention, which is subject to the  
17 jurisdiction of the commissioner.

18 (5) A plan established pursuant to chapter 509A for public  
19 employees.

20 b. This section shall not apply to accident-only,  
21 specified disease, short-term hospital or medical, hospital  
22 confinement indemnity, credit, dental, vision, Medicare  
23 supplement, long-term care, basic hospital and medical-surgical  
24 expense coverage as defined by the commissioner, disability  
25 income insurance coverage, coverage issued as a supplement  
26 to liability insurance, workers' compensation or similar  
27 insurance, or automobile medical payment insurance.

28 4. The commissioner of insurance may adopt rules pursuant to  
29 chapter 17A to administer this section.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
32 the explanation's substance by the members of the general assembly.

33 This bill relates to the emergency refilling and dispensing  
34 of a prescription, including associated insurance coverage.

35 The bill provides that in addition to existing provisions

1 relating to the refilling of a prescription without prescriber  
2 authorization, a pharmacist may exercise professional judgment  
3 and refill a prescription once in a 12-month period and may  
4 dispense an amount not to exceed a 30-day supply, or if the  
5 standard amount of dispensing exceeds a 30-day supply or is  
6 unit dosed, an amount not to exceed the standard supply or  
7 limit of dispensing.

8     The bill also provides that notwithstanding the uniformity  
9 of treatment requirements, a policy, contract, or plan  
10 providing for third-party payment or prepayment of health  
11 or medical expenses that provides coverage for prescription  
12 drugs shall provide coverage for a prescription refilled  
13 and dispensed as provided in the bill. Additionally,  
14 notwithstanding any cost-sharing obligation imposed under a  
15 policy, contract, or plan to the contrary, any cost-sharing  
16 imposed on a covered person for the prescription refilled  
17 and dispensed as provided in the bill shall not exceed the  
18 cost-sharing imposed on the refilling of the same prescription  
19 with prescriber authorization.

20     The bill provides definitions of "cost-sharing" and "covered  
21 person" for the purposes of this portion of the bill.

22     This portion of the bill applies to third-party payment  
23 provider contracts, policies, or plans delivered, issued for  
24 delivery, continued, or renewed in the state on or after  
25 January 1, 2023, including those provider contracts, policies,  
26 or plans specified in the bill. The bill also specifies  
27 the types of insurance to which the requirements of the bill  
28 are not applicable. The commissioner of insurance may adopt  
29 administrative rules to administer this portion of the bill.